

COPY OF PAPERS
ORIGINALLY FILED

PATENT APPLICATION
Docket No. 46847-00007



RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)
DECLARATION AND POWER OF ATTORNEY

FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: MESOPOROUS COMPOSITIONS FOR USE IN DRUG DELIVERY, the specification of which: (mark only one)

- ☐ (a) is attached hereto.
- ☒ (b) was filed on February 19, 2002 as Application Serial No. 10/079,443.
- ☐ (c) was filed as PCT International Application No. PCT/____ on ____ and was amended on ____ (if applicable).
- ☐ (d) was filed on ____ as Application Serial No. ____ and was issued a Notice of Allowance on ____.
- ☐ (e) was filed on ____ and bearing attorney docket number ____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application

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on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

PRIOR FOREIGN PATENTS

Number	Country	Month/Day/Year Filed	Date first laid-	Date	Priority Claimed	
			open or Published	patented or Granted	Yes	No
NONE						

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

PRIOR U.S. OR PCT APPLICATIONS

<u>Application No. (series code/serial no.)</u>	<u>Month/Day/Year Filed</u>	<u>Status (pending, abandoned, patented)</u>
60/269,907	February 19, 2001	Pending
60/283,699	April 13, 2001	Pending

I hereby appoint:

TIMOTHY G. ACKERMANN, Reg. No. 44,493	J. KEVIN GRAY, Reg. No. 37,141	SPENCER C. PATTERSON, Reg. No. 43,849
BENJAMIN J. BAI, Reg. No. 43,481	KEITH P. GRAY, Reg. No. 46,738	RUSSELL N. RIPPAMONTI, Reg. No. 39,521
JOSEPH M. BEAUCHAMP, Reg. No. 46,544	STEVEN R. GREENFIELD, Reg. No. 38,166	ROSS T. ROBINSON, Reg. No. 47,031
MARY JO BOLDINGH, Reg. No. 34,713	JOSHUA A. GRISWOLD, Reg. No. 46,310	STEPHEN G. RUDISILL, Reg. No. 20,087
MARGARET A. BOULWARE, Reg. No. 28,708	J. PAT HEPTIG, Reg. No. 40,643	HOLLY L. RUDNICK, Reg. No. 43,065
DANIEL J. BURNHAM, Reg. No. 39,618	SHARON A. ISRAEL, Reg. No. 41,867	J.L. JENNIE SALAZAR, Reg. No. 45,065
THOMAS L. CANTRELL, Reg. No. 20,849	JOHN R. KIRK JR., Reg. No. 24,477	KEITH W. SAUNDERS, Reg. No. 41,462
RONALD B. COOLLEY, Reg. No. 27,187	PAUL R. KITCH, Reg. No. 38,206	JERRY R. SELINGER, Reg. No. 26,582
THOMAS L. CRISMAN, Reg. No. 24,846	TIMOTHY M. KOWALSKI, Reg. No. 44,192	JAMES O. SKARSTEN, Reg. No. 28,346
STUART D. DWORK, Reg. No. 31,103	JAMES F. LEA III, Reg. No. 41,143	ZACHARY J. SMOLINSKI, Reg. No. 47,100
WILLIAM F. ESSER, Reg. No. 38,053	HSIN-WEI LUANG, Reg. No. 44,213	GARY B. SOLOMON, Reg. No. 44,347
ROGER J. FRENCH, Reg. No. 27,786	ROBERT W. MASON, Reg. No. 42,848	STEVE Z. SZCZEPANSKI, Reg. No. 27,957
JANET M. GARETTO, Reg. No. 42,568	ROGER L. MAXWELL, Reg. No. 31,855	ANDRE M. SZUWALSKI, Reg. No. 35,701
MARK GATSCHET, Reg. No. 42,569	LISA H. MEYERHOFF, Reg. No. 36,869	ALAN R. THIELE, Reg. No. 30,694
JOHN C. GATZ, Reg. No. 41,774	STANLEY R. MOORE, Reg. No. 26,958	TAMSEN VALOIR, Reg. No. 41,417
RUSSELL J. GENET, Reg. No. 42,571	RICHARD J. MOURA, Reg. No. 34,883	BRIAN D. WALKER, Reg. No. 37,751
GERALD H. GLÄNZMAN, Reg. No. 25,035	P. WESTON MUSSELMAN JR. Reg. No. 31,644	GERALD T. WELCH, Reg. No. 30,332
LEKHA GOPALAKRISHNAN, Reg. No. 46,733	RAMA B. NATH, Reg. No. 27,072	HAROLD N. WELLS, Reg. No. 26,044
	DANIEL G. NGUYEN, Reg. No. 42,933	WILLIAM D. WIESE, Reg. No. 45,217
	MICHAEL K. NUTTER, Reg. No. 44,979	

all of the firm of **JENKENS & GILCHRIST, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business

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in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

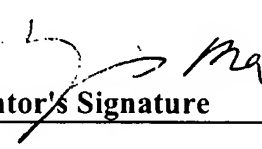
Please address all correspondence and direct all telephone calls to:

Lekha Gopalakrishnan, Esq.
JENKENS & GILCHRIST, P.C.
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2799
Telephone: 214-855-4500
Facsimile: 214-855-4300

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

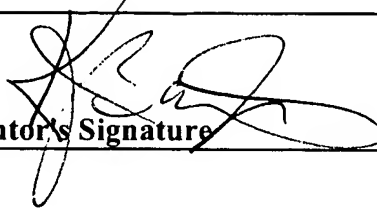
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NAMED INVENTOR(S)

1	Ying MA		5-7-02	
	Full Name		Inventor's Signature	Date
	3410 Cliff View Loop Weatherford, TX 76087 United States of America			China
	Residence (city, state, country)	Citizenship		
3410 Cliff View Loop Weatherford, TX 76087 United States of America				
Post Office Address (include zip code)				

(FOR ADDITIONAL INVENTORS, check here X and add additional sheet for inventor information regarding signature, name, date, citizenship, residence and address)

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2	Kenneth J. BALKUS, Jr.		5/7/02	
	Full Name		Inventor's Signature	Date
	5405 Merrell Circle The Colony, TX 75056 United States of America			U.S.A.
	Residence (city, state, country)			Citizenship
5405 Merrell Circle The Colony, TX 75056 United States of America				
Post Office Address (include zip code)				